KA / BG-GPO/2515/WPP-47/2009-2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೪	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೨೦, ೨೦೦೯ (ಶ್ರಾವಣ ೨೯, ಶಕ ವರ್ಷ ೧೯೩೧)	ಸಂಚಿಕೆ ೩೪

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಕಾರ್ಮಿಕ ಸಚಿವಾಲಯ

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

NOTIFICATION

New Delhi, the 27th May, 2008

S.O.1226(E): In exercise of the powers conferred by sub-section (2) of Section 1 of the Indian Boilers (Amendment) Act, 2007 (No. 49 of 2007), the Central Government hereby appoints the 27th day of May, 2008 as the date on which the following provisions of the said Act shall come into force namely.

1. Section 2
2. Sub-section (1) sub-section (2) and clauses (ccc)and (cci) of sub-section (4) and sub-section(5) sub-sections (6) and (7) of section 3.
3. Section 4;
4. Sections 5 insofar as it relates to Sections 4A of the principal Act;
5. Clause (b) of Section 8:
6. Clause (a) of Section 9:
7. Section 10:
8. Section 15;
9. Clause (a) of Section 16;
10. Section 17;
11. Section 20 to Section 26;

12. Clauses (ii) to (v) of Section 27;

13. Section 28 and

14. Section 29.

[F.No. 6/11/2004-Boilers]

GOPAL KRISHNA, Jt. Secy.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th December 2007/Agrahayana 22, 1929 (saka)

The following Act of Parliament received the assent of the President on the 12th December, 2007 and is hereby published for general information:

THE INDIAN BOILERS (AMENDMENT) ACT, 2007

No. 49 OF 2007

[12th December, 2007]

An Act further to amend the Indian Boilers Act, 1923

BE it enacted by Parliament in the Fifty –eighth Year of the Republic of India as follows:

1. Short title and commencement: (1) This Act may be called the Indian Boilers (Amendment) Act, 2007

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Amendment of section 1: In section 1 of the Indian Boilers, Act, 1923 (hereinafter referred to as the principal Act), in sub-section (1) , the word ''Indian'' shall be omitted.

3. Amendment of section 2: In section 2 of the principal Act-

(1) for clause (a), the following clause shall be substituted, namely:

(a) ''accident'' means an explosion of boiler, or boiler component, which is calculated to weaken the strength or an uncontrolled release of water or steam therefrom, liable to cause death or injury to any person or damage to any property;

(2) for clause (b), the following clauses shall be substituted, namely-

(b) ''boiler'' means a pressure vessel in which steam is generated for use external to itself by application of heat which is wholly or partly under pressure when steam is shut off but does not include a pressure vessel-

(i) with capacity less than 25 litres (such capacity being measured from the feed check valve to the main steam stop valve);

(ii) with less than one kilogram per centimeter square design gauge pressure and working gauge pressure; or

(iii) in which water is heated below one hundred, degrees centigrade:

(ba) ''boiler component'' means steam piping, feed piping, economiser, superheater, any mounting or other fitting and any other external or internal part of a boiler which is subject to pressure exceeding one kilogram per centimeter square gauge;;.

(3) after clause (c), the following clauses shall be inserted, namely:-

(ca) ''Competent Authority'' means an institution recognized in such manner as may be prescribed by regulations for issue of certificate to the welders for welding of boiler and boiler components;

(cb) ''Competent Person'' means a person recognized in such manner as may be prescribed by regulations for inspection and certification of boilers and boiler components during manufacture, erection and use. All Inspectors shall be ipso facto competent persons'',

(4) after clause (ccc), the following clauses shall be inserted, namely:-

(ccd) ''Inspecting Authority'' means an institution recognized in such manner as may be prescribed by regulations for the inspection and certification of boilers and boiler components during manufacture. All Chief Inspectors of Boilers shall be ipso facto inspecting Authorities;

(cce) ''manufacture'' means manufacture, construction and fabrication of boiler or boiler component. or both.

(ccf) ''manufacturer'' means a person engaged in the manufacture;

(5) in clause (d), for the words ''includes any person'' the words ''includes any person possessing or '' shall be substituted;

(6) for clause (f), the following clause shall be substituted, namely:

(f) ''steam pipe'' means any pipe through which steam passes if-

(i) the pressure at which steam passes through such pipe exceeds 3.5 kilogram per square centimeters above atmospheric pressure, or

(ii) such pipe exceeds 254 millimetres in internal diameter and the pressure of steam exceeds 1 kilogram per square centimeters above the atmospherie pressure.

and includes in either case any connected fitting of a steam-pipe;

(7) for clause (g) the following clauses shall be substituted, namely:-

(g) ''structural alteration, addition or renewal'' means-

(i) any change in the design of a boiler or boiler component;

(ii) replacement of any part of boiler or boiler component by a part which does not conform to the same specification or

(iii) any addition to any part of a boiler or boiler component;

(h) ''superheater'' means any equipment which is partly or wholly exposed to flue gases for the purpose of raising the temperature of steam beyond the saturation temperature at that pressure and includes a re-heater;

(i) ''Technical Adviser'' means the Technical Adviser appointed under sub-section (1) of section 4A'

4. Substitution of new section for section 3 : For section 3 of the principal Act, the following section shall be substituted, namely:

''3. Limitation of application: Nothing in this Act shall apply to-

(a) locomotive boilers belonging to or under the control of the railways;

(b) any boiler or boiler component,

(i) in any vessel propelled wholly or in part by the agency of steam;

(ii) belonging to or under the control of, the Army Navy or Air Force; or

(iii) appertaining to a sterilizer disinfactor used in hospitals or nursing homes, if the boiler does not exceed one hundred litres, in capacity''.

5. Insertion of new sections 4A to 4F: After section 4 of the principal Act, the following sections shall be inserted, namely:

''4A. Technical Adviser: (1) The Central Government shall appoint a Technical Adviser from amongst the persons having such qualifications and experience as may be prescribed by rules.

(2) The terms and conditions of service of the Technical Adviser shall be such as may be prescribed by the Central Government.

(3) The Technical Adviser shall, in addition to exercising the powers and discharging the functions assigned to him under this Act or rules or regulations made thereunder, exercise such other powers and discharge such, functions as the Central Government and Board may delegate to him.

4B. Welders certificate: (1) Any person who proposes to undertake any welding work connected with or related to a boiler, or a boiler component or both shall apply to a Competent Authority for issue of a Welders certificate.

(2) On receipt of an application under sub-section (1), the Competent Authority shall follow such procedure for examination and grant of Welders certificate as may be prescribed by regulations.

(3) The Competent Authority may, if satisfied that the person applying for Welders certificate under sub-section (2) has complied with the conditions precedent for issue of the Welders certificate, issue such certificate, to such person subject to the payment of such fee and such other conditions as may be prescribed by regulations:

Provided that the Competent Authority shall not refuse Welders certificate to any person unless such person is given an opportunity of being heard.

4C. Conditions precedent for manufacture of boiler and boiler component: (1) No. person shall manufacture or cause to be manufactured any boiler or boiler component or both unless:

(a) he has provided in the premises or precincts where in such boiler or boiler component, or both are manufactured, such facilities for design and construction as may be prescribed by regulations:

(b) the design and drawings of the boiler and boiler component have been approved by the Inspecting Authority under clause (a) of sub-section (2) of section 4D:

(c) the materials, mounting and fittings used in the construction of such boiler or boiler component, or both conform to the specifications prescribed by regulations; and

(d) the persons engaged for welding boiler or boiler component hold Welders certificate issued by a Competent Authority.

4D. Inspection during manufacture: (1) Every manufacture, before commencing Manufacture of a boiler or boiler component, shall engage an Inspecting Authority for carrying out inspection at such stages of manufacture as may be prescribed by regulations.

(2) The inspecting Authority engaged under sub-section (1) shall follow such procedure for inspection and certification of boiler or boiler component as may be prescribed by regulations and after inspection, if it is-

(a) satisfied that the boiler or the boiler component conforms to the standards prescribed by regulations, it shall issue a certificate of inspection and stamp the boiler, or boiler component, or both ;or.

(b) of the opinion that the boiler or boiler component, or both does not conform to the standards prescribed by regulations, it may for reasons to be recorded in writing refuse to issue such certificate;

Provided that no certificate shall be refused unless the Inspecting Authority had directed the manufacturer of the boiler or boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that inspite of such direction the manufacture of the boiler or boiler component, or both did not carry out the direction.

(3) The Inspecting Authority may, for the purposes of inspection under this section, charge such fee as may be prescribed by regulations.

4E. Inspection during erection: (1) The owner who proposes to register a boiler under section 7, shall engage on Inspecting Authority for carrying out inspection at the stage of erection of the boiler.

(2) The Inspecting Authority shall follow such procedure for inspection and certification of a boiler or boiler component, or both as may be prescribed by regulations and after inspection if its

(a) satisfied that the erection of the boiler is in accordance with the regulations, it shall issue a certificate of inspection in such form as may be prescribed by regulations; or

(b) of the opinion that the boiler has not been erected in accordance with the regulations, it may for reasons to be recorded in writing, refuse to grant the certificate and shall communicate such refusal to the manufacture of the boiler or boiler component forthwith;

Provided that no such certificate shall be refused unless the Inspecting Authority had directed the owner in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that in spite of such direction the owner did not carry out the direction.

(3) The Inspecting Authority may, for the purposes of inspection under this section charge such fee as may be prescribed by regulations.

4F. Conditions precedent for repairing boiler and boiler component: No person shall repair or cause to be repaired any boiler or boiler component or both, unless-

(a) he has provided in the premises or precincts, where in such boiler or boiler component or both are being used, such facilities for repairs as may be prescribed by regulations.

(b) the design and drawings of the boiler or boiler component, as the case may be, and the materials, mountings and fittings used in the repair of such boiler or boiler component conform to the regulations.

(c) persons engaged in welding, holds a Welders certificate issued by a Competent Authority;

(d) every user who does not have the in-house facilities for repair of boiler or boiler component shall engage a Boiler Repairer possessing a Boiler Repairer certificate for repair of a boiler or boiler component or both, as the case may be;

(e) every user shall engage a Competent Person for approval of repairs to be carried out in-house or by the repairers''

6. Amendment of section 5: In section 5 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:-

''(4A) No person shall be appointed as the Chief Inspector, Deputy Chief Inspector or Inspector unless he possesses such qualifications and experience as may be prescribed by the Central Government'',

7. Amendment of section 6: In section 6 of the principal Act, in clause (e), for the words ''State Government'' the words ''Central Government'' shall be substituted.

8. Amendment of section 7: In section 7 of the principal Act:

(a) in sub-section (1), for the words ''may apply to the Inspector to have the boiler registered'' the words ''may apply to the Inspector along with such other documents as may be prescribed by regulations to have the boiler registered ''shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:

''(3) On the said date the Inspector shall inspect the boiler with a view to satisfying himself that the boiler has not suffered any damage during its transit from the place or manufacture to the site of erection and forward a report of the inspection along with the documents to the Chief Inspector within seven days''.

9. Amendment of section 8: In section 8 of the principal Act-

(a) in sub-section (1),-

(i) in clause (c) for the figures ''18.58'' the figures ''20'' shall be substituted:

(ii) for clause (d), the following clause shall be substituted, namely:

''(d) save as provided in section 12, when any structural alteration, addition or renewal is made in or to the boiler'',

(iii) in clause (f), for the words ''it or any steam pipe'' the words'' it or any boiler component'' shall be substituted;

(b) for sub-section(3), the following sub-section shall be substituted, namely:

''(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Competent Person for renewal thereof for such period as may be prescribed by regulations''.

(c) for sub-sections (4) and (5), the following sub-sections shall be substituted; namely:

''(4) On receipt of an application under sub-section (3), the Competent Person shall, within fifteen days from the date of such receipt, inspect the boiler in such manner as may be prescribed by regulations.

(5) If the Competent Person is-

(a) satisfied that the boiler and the boiler components attached thereto are in good condition he shall issue a certificate for such period as may be prescribed by regulations.

(b) of the opinion that the boiler or boiler component or both does not conform to the standards prescribed by regulations, it may, for reasons to be recorded in writing, refuse to issue such certificate:

Provided that no certificate shall be refused unless the Inspecting Authority had directed the owner of the boiler or the boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Competent Person is of the opinion that inspite of such direction the owner of the boiler or boiler component, or both did not carry out the direction.

Provided further that the Competent Person shall within forty-eight hours of making the examination, inform the owner of the boiler or boiler component any defect in his opinion and the reasons therefor and shall forthwith report the case to the Chief Inspector.

(6) The Competant Person may for the purpose of inspection under this section charge such fee as may be prescribed by regulations''.

10. Amendment of section 9: In section 9 of the principal Act, the words, brackets and figures '' or sub-section (5) of section 8'' shall be omitted.

11. Amendment of section 11: In section 11 of the principal Act-

(a) in clause (c), for the words ''State Government'' the words ''Central Government'' shall be substituted;

(b) clause (d) and the proviso shall be omitted.

12. Amendment of section 12 : In section 12 of the principal Act, the following proviso shall be inserted at the end, namely-

''Provided that no such sanction is required where the structural alteration, addition or renewal is made under the supervision of a competent Person''.

13. Substitution of new section for section 13: For section 13 of the principal Act, the following section shall be substituted, namely-

''**13. Alteration or renewal of boiler component:** (1) Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any boiler component attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention and send therewith such particulars of proposed alteration, addition or renewal as may be prescribed by regulations.

(2) Any structural alteration, addition or renewal referred to in sub-section(1) shall be made by a person possessing a Boiler Repairer certificate under the supervision of the Competent Person''.

14. Amendment of section 14: In section 14 of the principal Act,-

(a) in sub-section(1)-

(i) in clause (a) for the word ''Inspector'' the words ''Competent Person'' shall be substituted;

(ii) in clause (b), for the words ''prescribed manner'' the words ''manner prescribed by regulations'' shall be substituted;

(iii) in clause (c), for the words ''be prescribed'' the words ''be prescribed by regulations'' shall be substituted;

(b) in sub-section (2) for the word ''Inspector'' the words ''Competent Person'' shall be substituted.

15. Amendment of section 15: In section 15 of the principal Act, for the words and figures'' the Indian Factories Act, 1911 (2 of 1911) , the words and figures ''the Factories Act, 1948 (3 of 1948)'' shall be substituted.

16. Amendment of section 18: In section 18 of the principal Act-

(a) in sub-section (1), for the word ''steam-pipe'' at both the places where it occurs, the words ''boiler component'' shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:

''(3) Without prejudice to the provisions of sub-section (1), where any death has resulted due to any accident, an inquiry may be conducted by such person and in such manner as may be prescribed by the Central Government''.

17. Amendment of section 19: Section 19 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:

''(2) Every appeal under sub-section (1) shall be made in such manner as may be prescribed by the State Government.

(3) The procedure for disposing of an appeal shall be such as may be prescribed by the State Government''.

18. Amendment of section 20: Section 20 of the principal Act shall be renumbered as sub-section (1) and-

(a) in sub-section (i) as so renumbered for the words ''lodge with the Chief Inspector an appeal to an Appellate Authority to be constituted by the State Government under this Act'' the words ''prefer an appeal to the Central Government'' shall be substituted;

(b) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:-

''(2) Any person considering himself aggrieved by the refusal of an Inspecting Authority to grant a certificate of inspection of manufacture or erection,as the case may be, may within thirty days from the date of communication of such refusal, prefer an appeal to the Central Government.

(3) Every appeal under sub-section (1) shall be made in such manner as may be prescribed by the Central Government.

(4) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government''.

19. Amendment of section 21: In section 21 of the principal Act, for the words, figures and letters ''An order of the Central Government under section 20A and save as otherwise provided in sections 19, 20 and 20A an order of an appellate authority'', the words, figures and letter ''An order of the Central Government under sections 20 and 20A, '' shall be substituted.

20. Amendment of section 22: In section 22 of the principal Act, for the words ''one hundred rupees'' the words ''five thousand rupees'' shall be substituted.

21. Amendment of section 23: In section 23 of principal Act,-

(a) for the words ''five hundred rupees'' the words ''one lakh rupees'' shall be substituted;

(b) for the words ''one hundred rupees'' the words ''one thousand rupees'' shall be substituted.

22. Amendment of section 24: In section 24 of the principal Act, for the words ''punishable with fine which may extend to five hundred rupees'' the words ''punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both'' shall be substituted;

23. Amendment of section 25: In section 25 of the principal Act-

(a) in sub-section (1), for the words ''five hundred rupees'' the words ''one lakh rupees'' shall be substituted;

(b) in sub-section (2), for the words'' fine, or with both'' the words ''fine which may extend to one lakh rupees or with both'' shall be substituted.

24. Amendment of section 27A: In section 27A of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:

''(2) The Board shall consist of the following members, namely:-

(a) the Secretary to the Government of India incharge of the Department of the Central Government having administrative control of the Board who shall be the Chairperson ex officio;

(b) a senior technical officer conversant with the inspection and examination of boilers, to be nominated by the Government of each State (other than a Union territory);

(c) equal number of other persons as in sub-section (b) above to represent;

(i) Central Government

(ii) the Bureau of Indian Standards,

(iii) boiler and boiler component manufacturers,

(iv) National laboratories,

(v) engineering consultancy agencies,

(vi) user of boilers, and

(vii) such other interests which in the opinion of the Central Government ought to be represented on the Board,

to be nominated by the Central Government;

(d) Technical Adviser, Member-Secretary ex-officio.

(3) The term of office of the members nominated under clauses (b) and (c) of sub-section (2) shall be such as may be prescribed by the Central Government''.

25. Amendment of section 28: In section 28 of the principal Act, in sub-section(1);

(i) for clause (a), the following clause shall be substituted, namely:-

''(a) for laying down the standard conditions in respect of material design construction, erection, operation and maintenance which shall be required for the purposes of enabling the registration and certification of boilers, boiler components, boiler, mountings and fittings under this Act'',

(ii) in clause (d), for the word ''steam pipes'' the words ''boiler components, boiler mountings and fittings'' shall be substituted;

(iii) after clause (e), the following clauses shall be inserted, namely:

'""(ea) for prescribing the qualifications and experience subject to which the Inspecting Authorities, Competent Authorities and Competent Persons shall be recognized under this Act;

(eb) the conditions subject to which and the manner in which manufacture of boiler components or material may be recognized;

(ec) facilities for design and construction which are required to be provided in the premises in which the manufacturing of any boiler or boiler component is carried out;

(ed) fee for the purposes of inspection or grant of recognition or any certificate under this Act;

(ef) procedure for examination and grant of Welders certificate;

(eg) powers and functions which the Board may delegate to the Technical Adviser;

(eh) documents to be enclosed along with the application for registration of boilers or renewal of a certificate authorizing the use of boilers;

(ei) the manner of inspection of boilers;

(ej) the period for which a certificate authorizing the use of a boiler may be renewed;

(ek) the conditions subject to which and the form in which Competent Person shall renew a certificate authorizing the use of boilers;

(el) the manner and the form in which a Repairer's certificate shall be issued;

(em) the manner in which the boiler shall be preprared for examination;

(en) drawings, specification, documents and other particulars which owner of a boiler is required to make available to the Competent Person;

(eo) the manner in which a person may be authorized to conduct energy audit and the manner in which such audit shall be conducted;

(ep) the manner in which disputes between the States with respect to registration of boiler shall be resolved''.

26. Amendment of section 28A: In section 28A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely-

''(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

(a) the procedure to be followed in making applications under section 20A and the fees payable in respect of such application;

(b) the qualifications and experience of persons to be appointed as Chief Inspectors, Deputy Chief Inspectors and Inspectors;

(c) the manner in which appeals may be preferred to the Board, the fees payable in respect of appeals and the procedure to be followed of disposing such appeals;

(d) the term of office of the members and the manner in which they shall be nominated under clauses (b) and (c) of sub-section (2) of section 27A;

(e) the qualifications and experience of the Technical Adviser;

(f) for requiring boilers to be under the charge of persons holding certificate of proficiency or competency and for prescribing the conditions on which such certificate may be granted;

(g) the manner in which and the person who shall conduct inquiry into the accident''.

27. Amendment of section 29: In section 29 of the principal Act, in sub-section(1)-

(i) for clause (a), the following clause shall be substituted, namely:

''(a) the powers and duties of the Chief Inspector, Deputy Chief Inspectors and Inspectors'',

(ii) clause (d) shall be omitted;

(iii) for clause (f), the following clause shall be substituted, namely:

''(f) fee payable for registration of boilers';

(iv) for clause (h), the following clause shall be substituted, namely:

''(h) the manner in which appeals shall be preferred to the Chief Inspector and the procedure to be followed for hearing such appeals''.

(2) clause (j) shall be omitted.

28. Amendment of section 30: In section 30 of the principal Act-

(a) for the words ''one hundred rupees'' the words ''one thousand rupees'' shall be substituted;

(b) for the words ''one thousand rupees'' the words'' one lakh rupees'' shall be substituted;

29. Amendment of section 33: In section 33 of the principal Act, for the word ''steam-pipes'' the words ''boiler components'' shall be substituted.

30. Amendment of section 34: In section 34 of the principal Act, for sub-section (3) the following sub-section shall be substituted namely:

''(3) If the State Government is satisfied that having regard to the material design or construction of boilers and to the need for the rapid industrialization of the country, it is necessary so to do, it may by notification in the Official Gazette and subject to such conditions as may be prescribed by regulations exempt any boiler or boiler complements in the whole or any part of the State from the operation of all or any of the provisions of this Act''.

K.N. CHATURVEDI,
Secy to the Govt of India

ಬಿ. ಶಿವರಾಮ ಗೌಡ

P.R. 30

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಕಾರ್ಮಿಕ ಇಲಾಖೆ (ಕಾರ್ಖಾನೆ ಮತ್ತು ಬಾಯ್ಲರುಗಳು)

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 31 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12ನೇ ಮೇ 2009

2009ನೇ ಸಾಲಿನ ಫೆಬ್ರವರಿ 12ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Jute Board Act, 2008 (Act No. 12 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th February, 2009 / Magha 23, 1930 (Saka)

The following Act of Parliament received the assent of the President on the 12th February, 2009, and is hereby published for general information :-

THE NATIONAL JUTE BOARD ACT, 2008

No. 12 OF 2009

[12th February , 2009]

An Act to provide for the establishment of a National Jute Board for the development of the cultivation, manufacture and marketing of jute and jute products and for matters connected therewith and incidental thereto.

BE it enacted by parliament in the Fifty-ninth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement: (1) This Act may be called the National Jute Board Act, 2008.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions: In this Act, unless the context otherwise requires-

(a) ''appointed day'' means such date as the Central Government may by notification in the Official Gazette, appoint for the purpose of section 3;

(b) ''Board'' means the National Jute Board constituted under section 3;

(c)''Chairperson'' means the Chairperson of the Board;

(d) ''Council'' means the Jute Manufactures Development Council established under section 3 of the Jute Manufactures Development Council Act, 1983 (27 of 1983);

(e) ''Jute'' means the plants of jute, kenaf and mesta;

(f) ''Jute manufacture'' shall have the same meaning as assigned to it in the Jute Manufactures Cess Act, 1983 (28 of 1983);

(g) ''member'' means a member of the Board and includes the Chairperson;

(h) ''prescribed'' means prescribed by rules made under this Act;

(i) ''regulations'' means regulations made by the Board under this Act;

(j) ''Society'' means the National Centre for Jute Diversification, a society set up by the Central Government in the Ministry of Textiles and registered under the Societies Registration Act, 1860 (21 of 1860);

(k) ''year'' means the year commencing on the 1st day of April and ending on the 31st day of March next following.

CHAPTER II

THE NATIONAL JUTE BOARD

3. Constitution and incorporation of Board: (1) With effect from the appointed day, the Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the National Jute Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall be the said name sue and be sued.

(3) The head office of the Board shall be at Kolkata in the State of West Bengal or such other place as the Central Government may, by notification in the Official Gazette, specify and the Board may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India.

(4) The Board shall consist of the following members, namely:

(a) the secretary in charge of the ministry of the Central Government dealing with textiles, who shall be the ex officio Chairperson of the Board;

(b) three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States;

(c) the Additional Secretary and Financial Adviser, Ministry of Textiles, Government of india, ex officio;

(d) the Joint Secretary (Jute) in the Ministry of Textiles, Government of India, ex officio;

(e) two members of the rank of Joint Secretary to be nominated by the Central Government to represent respectively the ministries of the Central Government dealing with-

(i) agriculture, and

(ii) food and public distribution;

(f) three members to be nominated by the Central Government by rotation in the alphabetical order to represent respectively the Governments of the States of Andhra Pradesh, Assam, Bihar, Meghalaya, Orissa, Tripura and West Bengal; the nomination shall be from officials of the State Government holding the rank of Secretary to the State Government and dealing with Jute or Textile matters;

(g) three members of jute farmers of which one from State of West Bengal and two from other States on rotational basis to be nominated by the Central Government;

(h) three members of jute workers of which one from State of West Bengal and two from other States nominated by the Central Government on rotational basis;

(i) two experts from the field of jute technology and related field to be nominated by the Central Government;

(j) two members from the ''micro enterprises'' ''small enterprises'' and ''medium enterprises'' dealing in jute industry to be nominated by the Central Government.

Explanation: For the purpose of this clause, the expressions ''medium enterprise'' ''micro enterprise'' and ''small enterprise'' shall have the meanings respectively assigned to them in clause (g), clause (h) and clause(m) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006);

(k) two members to be appointed by the Central Government to represent the jute industry in the organized sector;

(l) two members to be appointed by the Central Government to represent the Jute industry in the decentralized sector;

(m) two members to be appointed by the Central Government to represent the exporters of jute products;

(n) the Director, Indian Jute Industries Research Association, ex officio;

(o) the Principal, Institute of Jute Technology, ex officio;

(p) the Director, National Institute of Research on Jute and Allied Fibre Technology, Kolkata, ex officio;

(q) the Director, Central Research Institute for Jute and Allied Fibres, ex officio;

(r) the Chairman and Managing Director, Jute Corporation of India, ex officio ;

(s) the Jute Commissioner, ex officio;

(t) the Secretary, National Jute Board, who shall be the ex officio Member –Secretary of the Board.

(5) The term of office of the members, other than the ex officio, members, and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, such members shall be as may be prescribed.

(6) The office of members of the Board shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.

(7) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be assigned to him by the Board and such other powers and duties as may be prescribed.

(8) The Board shall elect from ……. its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegate to him by the Chairperson.

(9) The Board shall meet at such times and places and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be determined by regulations.

4. Secretary and other officers: (1) The Central Government may appoint the Secretary and such other officers and employees as it considers necessary, for the efficient discharge of the functions of the Board under this Act.

(2) The terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

CHAPTER III

FUNCTIONS OF THE BOARD

5. Functions of Board: (1) It shall be the duty of the Board to promote the development of jute and jute products by such measures as it thinks fit.

(2) Without prejudice to the generality of the foregoing provision, the Board may undertake measures to-

(i) evolve an integrated approach to jute cultivation in the matters of formulation of schemes, extension work, implementation and evaluation of schemes aimed at increasing the yield of jute and improving the quality thereon;

(ii) promote production of better quality raw jute;

(iii) enhance productivity of raw jute;

(iv) promote or undertake arrangements for better marketing and stabilization of the prices of raw jute;

(v) promote standardisation of raw jute and jute products;

(vi) suggest norms of efficiency for jute industry with a view to eliminating waste, obtaining optimum production, improving quality and reducing costs;

(vii) propagate information useful to the growers of raw jute and manufacturers of jute products;

(viii) promote and undertake measures for quality control of raw jute and jute products;

(ix) assist and encourage studies and research for improvement of processing, quality, techniques of grading and packaging of raw jute;

(x) promote or undertake surveys or studies aimed at collection and formulation of statistics regarding raw jute and jute products;

(xi) promote standardization of jute manufactures;

(xii)promote the development of production of jute manufactures by increasing the efficiency and productivity of the jute industry;

(xiii) sponsor, assist, coordinate, encourage or undertake scientific, technological, economic and marketing research pertaining to the jute sector;

(xiv) maintain and improve existing markets and to develop new markets within the country and outside for jute manufactures and to devise marketing strategies in consonance with the demand for such manufactures in the domestic and international markets;

(xv) sponsor, assist, coordinate or encourage scientific, technological and economic research in the matters related to materials, equipment, methods of production, product development including discovery and development of new materials, equipment and methods and improvements in those already in use in the jute industry;

(xvi) provide and create necessary infrastructural facilities and conditions conducive to the development of diversified jute products by way of assisting the entrepreneurs, artisans, craftsman, designers, manufacturers, exporters, non-Governmental agencies in the following manner, namely-

(a) transfer of technology from research and development institutions and other organizations in India and abroad;

(b) providing support services to the entrepreneurs for the implementation of their projects including technical guidance and training;

(c) organizing entrepreneurial development programmes;

(d) planning and executing market promotion strategies including exhibitions, demonstrations, media campaigns in India and abroad;

(e) providing financial assistance by way of subsidy or seed capital;

(f) providing a forum to the people engaged or interested in diversified jute products for interacting with various national and international agencies, engaged in the jute and jute textile sector;

(xvii) organize workshops, conferences, lectures, seminars, refresher courses and set up study groups and conduct training programmes for the purpose of promotion and development of jute and jute products;

(xviii) undertake research on jute seed to improve quality and to shorten the gestation period of jute crop;

(xix) incorporate measures for sustainable Human Resource Development of the jute sector and to provide necessary funds for the same;

(xx) modernization of jute sector and technology development;

(xxi) take steps to protect the interests of jute growers and workers and to promote their welfare by improving their livelihood avenues;

(xxii) secure better working conditions and provision and improvement of amenities and incentives for workers engaged in the jute industry;

(xxiii) register jute growers and manufacturers on optional basis;

(xxiv) collect statistics with regard to jute and jute products for compilation and publication;

(xxv) subscribe to the share capital of or enter into any arrangement (whether by way of partnership, joint venture or any other manner) with any other body corporate for the purpose of promoting the jute sector or for promotion and marketing of jute and jute products in India and abroad.

(3) It shall be the duty of the Board-

(a) to advise the Central Government on all matters relating to the development of raw jute and the jute industry, including import and export of jute and jute products;

(b) to prepare and furnish reports relating to the jute sector as may be required by the Central Government from time to time.

CHAPTER IV

PROPERTY AND CONTRACT

6. The Council and Society to vest in Board: (1) On and from the appointed day, there shall be transferred to, and vest in, the Board constituted under section 3, the Council and the Society.

(2) The Council and the Society which is transferred to , and which vests in, the Board under sub-section (1)_ shall be deemed to include all assets, rights, powers, authorities and privileges and all property movable and immovable, real or personal, corporeal or incorporeal, present or contingent, of whatever nature and wheresoever situate, including lands, buildings, machinery, equipments, cash balances, capital, reserves reserve funds, investments tenancies, leases and book debts and all other rights and interests, arising out of such property as were immediately before the appointed day in the ownership or possession or power of the Council, or as the case may be the Society, whether within or outside India, all books of account and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Society, or as the case may be the Council.

7. General effect of vesting of Council and Society in Board: (1) All contracts, agreements and working arrangements subsisting immediately before the appointed day and affecting the Council, or as the case may be the Society shall, in so far as they relate to the Council, or as the case may be the Society, cease to have effect or be enforceable against the Council, or as the case may be, the Society and shall be of as full force and effect against or in favour of the Board in which the Council and the Society have vested by virtue of this Act and enforceable as fully and effectively as, if instead of the Council, or as the case may be, the Society, the Board had been named therein or had been a party thereto.

(2) Any proceeding, suit or cause of action pending or existing immediately before the appointed day by or against the Council or the Society may, as from that day, be continued and enforced by or against the Board in which it has vested by virtue of this Act, as it might have been enforced by or against the Council or the Society if this Act had not been passed, and shall cease to be enforceable by or against the Council or, as the case may be, the Society.

8. Licences, etc., to be deemed to have been granted to Board: With effect from the appointed day, all licences, permits, quotas and exemptions, granted to the Council, or the Society in connection with the affairs and business of the Council, or as the case may be, the Society, under any law for the time being in force, shall be deemed to have been granted to the Board in which the Council and the Society have vested by virtue of this Act.

9. Tax exemption or benefit to continue to have effect: (1) Where any exemption from, or any assessment with respect, to any tax has been granted or made or any benefit by way of set off or carry forward, as the case may be, of any unabsorbed depreciation or investment allowance or other allowance or loss has been extended or is available to the Council or the Society, under the Income-tax Act, 1961 (43 of 1961), such exemption, assessment or benefit shall continue to have effect in relation to the Board in which the Council and the Society have vested by virtue of this Act.

(2) Where any payment made by the Council or the Society is exempted from deduction of tax at source under any provision of the Income-tax Act, 1961 (43 of 1961), the exemption from tax will continue to be available as if the provisions of the said Act made applicable to the Council or the Society were operative in relation to the Board in which the Council and the Society have vested by virtue of this Act.

(3) The transfer and vesting of the Council or the Society in terms of section 6 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 (43 of 1961) for the purposes of capital gains.

10. Guarantee to be operative: Any guarantee given for or in favour of the Council or the Society with respect to any loan or lease finance shall continue to be operative in relation to the Board in which the Council and the Society have vested by virtue of this Act.

11. Provisions in respect of officers and other employees of Council and Society: (1) (a) Every officer or other employee of the Council serving in its employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the Council which has vested in the Board by virtue of this Act, becomes, as from the appointed day, an officer, or as the case may be, other employee of the Board.

(b) Every officer or other employee of the Society serving in its employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the Society which has vested in the Board by virtue of this Act, becomes, as from the appointed day, an officer, or, as the case may be, other employee of the Board.

(2) Every officer or other employee of the Council or the Society who becomes an officer, or as the case may be, other employee of the Board, as referred to in sub-section (1), shall hold his office or service therein by the same tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and rights and privileges as to leave, insurance, superannuation scheme, provident fund, other funds, retirement, pension, gratuity and other benefits as he would have held under the Council, or, as the case may be, the Society, if it had not vested in the Board and shall continue to do so as an officer or other employee, as the case may be, of the Board, or until the expiry of a period of one year from the appointed day if such officer or other employee opts not to be the officer or other employee of the Board within such period;

Provided that if the Board thinks it expedient to extend the period so fixed, it may extend the same up to a maximum period of one year.

(3) Where an officer or other employee of the Council or the Society opts under sub-section (2) not to be in the employment or service of the Board in which the Council and the Society have vested, such officer or other employee shall be deemed to have resigned from the respective cadre.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Council or the Society to the Board shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(5) The officers and other employees who have retired before the appointed day from the service of the Council or the Society and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the Board in which the Council and the Society have vested.

(6) The trusts of the Provident Fund and Group Insurance and Superannuation Scheme of the Council or the Society for the welfare of officers or employees would continue to discharge their functions in the Board as was being done hitherto in the Council or the Society and tax exemption granted to Provident Fund or Group Insurance and Superannuation Scheme would continue to be applied to the Board.

(7) After the expiry of the period of one year, or the extended period, as referred to in sub-section (2), all the officers and other employees transferred and appointed to the Board, other than those opting not to be the officers or employees of the Board within such period, shall be governed by the rules and regulations made by the Board in respect of the service conditions of the officers and other employees of the said Board.

CHAPTER V

POWERS OF THE CENTRAL GOVERNMENT

12. Directions by Central Government.- (1) The Board shall, in the discharge of its functions and duties under the relevant statute, be bound by the directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

13. Supersession of Board.- (1) If at any time the Central Government is of the opinion that-

(a) on account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by a or under the provisions of this Act and as a result of such default, the financial position of the Board or the administration of the Board has deteriorated; or

(c) the circumstances exist which render it necessary in the public interest so to do.

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification-

(a) all the members of the Board shall, as from the date of supersession vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of the relevant Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted, vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed disqualified for appointment;

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification to be issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action will be laid before each House of Parliament at the earliest.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

14. Grants and loans by Central Government: (1) The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a fund to be called the Jute Board Fund and there shall be credited thereto-

(a) any grants and loans made to the Board by the Central Government;

(b) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(3) The Fund shall be applied for meeting-

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions; and

(c) expenses on objects and for purposes authorized by this Act.

15. Budget: The Board shall prepare in such form and at such time during each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board, and forward the same to the Central Government.

16. Annual report: The Board shall prepare in such form and at such time, each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

17. Accounts and audit: The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, an audited copy of its accounts, together with the auditor's report thereon.

18. Laying of annual and auditor's report before Parliament: The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VII
MISCELLANEOUS

19. Protection of action taken in good faith: No suit, prosecution or other legal proceeding shall lie against the Central Government, or the Board or any member of the Board, or any officer or other employee of the Central Government or of the Board or any other person authorized by the Central Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

20. Officers and employees of Board to be public servants: All officers and employees of the Board shall, while acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

21. Power to make rules: (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the term of office and other conditions of service of the members of the Board under sub-section (5) of section 3;

(b) the powers and duties of the Chairperson under sub-section (7) of section 3;

(c) the powers and functions of the Vice-Chairperson under sub-section (8) of section;

(d) the form in which, and the time at which, the Board shall prepare its budget under section 15;

(e) the form in which, and the time at which, the Board shall prepare its annual report under section 16;

(f) the manner in which the accounts of the Board shall be maintained and audited, and the date before which the audited copy of the accounts may be furnished to the Central Government under section 17;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by the rules.

22. Power to make regulations: (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with the provisions of this Act and the rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely-

(a) the manner in which the business of the board shall be conducted under sub-section (9) of section 3' and

(b) the terms and conditions of service of the Secretary and other officers and employees of the Board under section 4.

23. Rules and regulations to be laid before Parliament: Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

24. Power to remove difficulties: (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

25. Amendment of Act 28 of 1983: In the Jute Manufactures Cess Act, 1983-

(a) in section 3-,

(i) in sub-section (1), for the words and figures ''the Jute Manufactures Development Council Act, 1983'' the words and figures ''the National Jute Board Act, 2008'' shall be substituted;

(ii) in sub-section (2) , the words ''and Salt'' shall be omitted;

(iii) in sub-section (4), the words and ''Salt'' shall be omitted;

(b) in section 4, for the words, brackets and figures ''the Jute Manufactures Development Council, from time to time, from out of such proceeds (after deducting the cost of collection which shall not exceed four per cent, of such proceeds) such sums of money as it may think fit for being utilized for the purposes of the Jute Manufactures Development Council Act, 1983'', the words, brackets and figures ''the National Jute Board from time to time, from out of such proceeds (after deducting the cost of collection which shall not exceed four per cent. of such proceeds) such sums of money as it may think fit for being utilized for the purposes of the National Jute Board Act, 2008'' shall be substituted.

26. Repeal and savings: (1) On and from the appointed day, the Jute Manufactures Development Council Act, 1983 (27 of 1983) shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

T.K. VISWANATHAN,
Secy to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 35

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 32 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12ನೇ ಮೇ 2009

2009ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 6ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Prevention of Money-Laundering (Amendment) Act, 2009 (Act No. 21 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 6th March, 2009/Phalguna 15, 1930(Saka)

The following Act of Parliament received the assent of the President on the 6th March 2009, and is hereby published for general information:

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2009

No. 21 OF 2009

[6th March, 2009]

An Act further to amend the Prevention of Money-laundering Act, 2002.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows;

1. Short title and commencement: (1) This Act may be called the Prevention of Money-laundering (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2: In section 2 of the Prevention of Money-laundering Act, 2002 (hereinafter referred to as the principal Act), in sub-section(1),-

(i) after clause(d), the following clause shall be inserted, namely:

''(da) ''authorised person'' means an authorized person as defined in clause (c) of section 2 of the Foreign Exchange Management Act, 1999(42 of 1999);

(ii) after clause (j), the following clause shall be inserted, namely:

'(ja) ''designated business or profession'' means carrying on activities for playing games of chance for cash or kind, and includes such activities associated with casino or such other activities as the Central Government may, by notification, so designate, from time to time';

(iii) in clause (l), for the words ''a non-banking financial company'', the words ''an authorized person, a payment system operator and a non-banking financial company'' shall be substituted;

(iv) in clause (q), after the words and figures ''Reserve Bank of India Act, 1934(2 of 1934) '' the words ''an includes a person carrying on designated business or profession'' shall be inserted;

(v) after clause (r), the following clauses shall be inserted, namely:

`(ra) ''offence of cross border implications'' means-

(i) any conduct by a person at a place outside India which constitutes an offence at that place and which would have constituted an offence specified in Part A, Part B or Part C of the Schedule, had it been committed in India and if such person remits the proceeds of such conduct or part thereof to India; or

(ii) any offence specified in Part A, Part B or Part C of the Schedule which has been committed in India and the proceeds of crime, or part thereof have been transferred to a place outside India or any attempt has been made to transfer the proceeds of crime, or part thereof from India to a place outside India.

Explanation: Nothing contained in this clause shall adversely affect any investigation, enquiry, trial or proceeding before any authority in respect of the offences specified in Part A or Part B of the Schedule to the Act before the commencement of the Prevention of Money-lanudering (Amendment) Act, 2009;,

(rb) ''payment system'' means a system that enables payment to be effected between a payer and a beneficiary, involving clearing , payment or settlement service or all of them.

Explanation: For the purposes of this clause, ''payment system'' includes the systems enabling credit card operations, debit card operation, smart card operations, money transfer operations or similar operations;

(rc) ''payment system operator'' means a person who operates a payment system and such person includes his overseas principal.

Explanation: For the purposes of this clause, ''overseas principal'' means,-

(A) in the case of a person, being an individual, such individual residing outside India, who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(B) in the case of a Hindu undivided family, Karta of such Hindu undivided family residing outside India who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(C) in the case of a company, a firm , an association of persons a body of individuals, an artificial juridical person ,whether incorporated or not, such company, firm association of persons, body of individuals, artificial juridical person incorporated or registered outside India or existing as such and which owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(vi) in clause (y), for sub-clause (ii), the following sub-clauses shall be substituted, namely:-

(ii) (the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more; or

(iii) the offences specified under Part C of the Schedule'';

3. Amendment of section 5: In section 5 of the principal Act, in sub-section (1),-

(a) for the words ''ninety days'' the words ''one hundred and fifty days'' shall be substituted;

(b) for the proviso, the following provisos shall be substituted, namely:-

''Provided that no such order of attachment shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974), or a complaint has been filed by a person, authorized to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be;

Provided further that, notwithstanding anything contained in clause (b), any property of any person may be attached under this section if the Director or any other officer not below the rank of Deputy Director authorized by him for the purposes of this section has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that if such property involved in money-laundering is not attached immediately under this Chapter, the non-attachment of the property is likely to frustrate any proceeding under this Act''.

4. Amendment of section 6: In section 6 of the principal Act-,

(i) in sub-section (1), for the words ''one or more Adjudicating Authorities'' the words ''an Adjudicating Authority'' shall be substituted;

(ii) in the proviso to sub-section (8), for the word ''sixty-two'' the word ''sixty-five'' shall be substituted.

5. Amendment of section 8: In section 8 of the principal Act, in sub-section (1) for the words and figure ''offence under section 3'', the words and figure ''offence under section 3 or is in possession of proceeds of crime'' shall be substituted.

6. Amendment of section 12: In section 12 of the principal Act, for sub-section (2), the following sub-section, shall be substituted, namely:

''(2) (a) The records referred to in clause (a) of sub-section (1) shall be maintained for a period of ten years from the date of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.

(b) The records referred to in clause (c) of sub-section (1) shall be maintained for a period of ten years from the date of cessation of transactions between the clients and the banking company or financial institution or intermediary, as the case may be''.

7. Amendment of section 17: In section 17 of the principal Act, in sub-section (1),

(i) in the opening portion, for the words ''the Director'' the words ''the Director or any other officer not below the rank of Deputy Director authorized by him for the purposes of this section '' shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:-

''Provided that no search shall be conducted unless,in relation to the scheduled offence, a report has been forwarded to a Magistrate under section157 of the Code of Criminal Procedure, 1973 (2 of 1974), or a complaint has been filed by a person, authorized to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be''.

8. Amendment of section 18: In section 18 of the principal Act-,

(i) in sub-section (1), the following proviso shall be inserted, namely:-

''Provided that no search of any person shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, (2 of 1974) or a complaint has been filed by a person authorized to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence as the case may be'',

(ii) in sub-section (9), the proviso shall be omitted.

9. Amendment of section 28: In section 28 of the principal Act, in sub-section (2) clause (a) shall be omitted.

10. Amendment of section 32 : In section 32 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:

''Provided that the Chief Justice of India shall be consulted before removal of the Chairperson or a Member who was appointed on the recommendation of the Chief Justice of India''.

11. Amendment of section 38: In section 38 of the principal Act, for the words ''one or more of the other Members'', the words ''third Member'' shall be substituted.

12. Amendment of section 60: In section 60 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:-

''(7) When any property in India is confiscated as a result of exeution of a request from a contracting State in accordance with the provisions of this Act, the Central Government may either return such property to the requesting State or compensate that State by disposal of such property on mutually agreed terms that would take into account deduction for reasonable expenses incurred in investigation prosecution or judicial proceeding leading to the return or disposal of confiscated property'',

13. Amendment of Schedule: In the principal Act, in the Schedule-,

(i) in Part A,-

(a) in Paragraph1, after section 121A and the entry relating thereto, the following sections and the entries shall be inserted, namely:-

Section	Description of offence
''489A	Counterfeiting currency notes or bank notes.
489B	Using as genuine, forged or counterfeit currency notes or bank notes''.,

(b) in Paragraph 2 for sections 15, 18 and 20 and the entries relating thereto, the following sections and the entries shall be substituted, namely

section	Description of offence
''15	Contravention in relation to poppy straw.
16	Contravention in relation to coca plant and coca leaves.
17	Contravention in relation to prepared opium
18	Contravention in relation to opium poppy and opium.
19	Embezzlement of opium by cultivator

section	Description of offence
20	Contravention in relation to cannabis plant and cannabis.
21	Contravention in relation to manufactured drugs and preparations'',.

(c) after paragraph 2, the following Paragraphs shall be inserted, namely:

''PARAGRAPH 3

OFFENCES UNDER THE EXPLOSIVE SUBSTANCES ACT, 1908

section	Description of offence
3	Causing explosion likely to endanger life or property.
4	Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property.
5	Making or possessing explosives under suspicious circumstances.

PARAGRAPH 4

OFFENCES UNDER THE UNLAWFUL ACTIVITIES (PREVENTION)ACT, 1967

section	Description of offence
10 read with section 3	Penalty for being member of an unlawful association, etc.,
11 read with sections 3 and 7	Penalty for dealing with funds of an unlawful association,
13 read with section 3	Punishment for unlawful activities.
16 read with section 15	Punishment for terrorist act.
16A	Punishment for making demands of radioactive substances, nuclear devices, etc.,
17	Punishment for raising fund for terrorist act.
18	Punishment for conspiracy, etc.
18A	Punishment for organising of terrorist camps
18B	Punishment for recruiting of any person or persons for terrorist act.
19	Punishment for harbouring, etc.,
20	Punishment for being member of terrorist gang or organisation
21	Punishment for holding proceeds of terrorism
38	Offence relating to membership of a terrorist organisation.
39	Offence relating to support given to a terrorist organization
40	Offence of raising fund for a terrorist organisation''.

(ii) in Part B,-

(a) for Paragraph 1, the following Paragraph shall be substituted namely-

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

section	Description of offence
120B	Criminal conspiracy.
255	Counterfeiting Government stamp
257	Making or selling instrument for counterfeiting Government stamp.
258	Sale of counterfeit Government stamp
259	Having possession of counterfeit Government stamp
260	Using as genuine a Government stamp known to be counterfeit.

section	Description of offence
302	Murder.
304	Punishment for culpable homicide not amounting to murder.
307	Attempt to murder
308	Attempt to commit culpable homicide.
327	Voluntarily causing hurt to extort property, or to constrain to an illegal act.
329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
364A	Kidnapping for ransom, etc.
384to 389	Offences relating to extortion
392 to 402	Offences relating to robbery and dacoity.
411	Dishonestly receiving stolen property.
412	Dishonestly receiving property stolen in the commission of a dacoity.
413	Habitually dealing in stolen property.
414	Assisting in concealment of stolen property.
417	Punishment for cheating.
418	Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
419	Punishment for cheating by personation
420	Cheating and dishonestly inducing delivery of properties.
421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
422	Dishonestly or fraudulently preventing debt being available for creditors.
423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424	Dishonest or fraudulent removal or concealment of property.
467	Forgery of valuable security, will, etc.,
471	Using as genuine a forged document or electronic record.
472 and 473	Making or possessing counterfeit seal, etc., with intent to commit forgery.
475 and 476	Counterfeiting device or mark.
481	Using a false property mark.
482	Punishment for using a false property mark.
483	Counterfeiting a property mark used by another.
484	Counterfeiting a mark used by a public servant.
485	Making or possession of any instrument for counterfeiting a property mark.
486	Selling goods marked with a counterfeit property mark.
487	Making a false mark upon any receptacle containing goods.
488	Punishment for making use of any such false mark'',

(b) in paragraph 3, before section 51 read with section 17A and the entry relating thereto, the following section and the entry shall be inserted. namely:

section	Description of offence
''51 read with section 9	Hunting of wild animals''

(c) in Paragraph 5, after section 10 and the entry relating thereto, the following section and the entry shall be inserted, namely:-

section	Description of offence
''13	Criminal misconduct by a public servant'',

(d) after Paragraph 5, the following Paragraphs shall be inserted, namely:

''PARAGRAPH 6

OFFENCES UNDER THE EXPLOSIVES ACT, 1884

section	Description of offence
9-B	Punishment for certain offences.
9-C	Offences by companies.

PARAGRAPH 7

OFFENCES UNDER THE ANTIQUITIES AND ARTS TREASURES ACT, 1972

section	Description of offence
25 read with section 3	Contravention of export trade in antiquities and art treasures.
28	Offences by companies.

PARAGRAPH 8

OFFENCES UNDER THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

section	Description of offence
12A read with section 24	Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control.

PARAGRAPH 9

OFFENCES UNDER THE CUSTOMS ACT, 1962

section	Description of offence
135	Evasion of duty or prohibitions.

PARAGRAPH 10

OFFENCES UNDER THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

section	Description of offence
16	Punishment for enforcement of bonded labour
18	Punishment for extracting bonded labour under the bonded labour system.
20	Abetment to be an offence.

PARAGRAPH 11

OFFENCES UNDER THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

section	Description of offence
14	Punishment for employment of any child to work in contravention of the provisions of section 3.

PARAGRAPH 12

OFFENCES UNDER THE TRANSPLANTATION OF HUMAN ORGANS ACT, 1994

section	Description of offence
18	Punishment for removal of human organ without authority
19	Punishment for commercial dealings in human organs.
20	Punishment for contravention of any other provision of this Act.

PARAGRAPH 13

OFFENCES UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

section	Description of offence
23	Punishment for cruelty to juvenile or child
24	Employment of juvenile or child for begging.
25	Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child
26	Exploitation of juvenile or child employee.

PARAGRAPH 14

OFFENCES UNDER THE EMIGRATION ACT, 1983

section	Description of offence
24	Offences and penalties.

PARAGRAPH 15

OFFENCES UNDER THE PASSPORTS ACT, 1967

section	Description of offence
12	Offences and penalties.

PARAGRAPH 16

OFFENCES UNDER THE FOREIGNERS ACT, 1946

section	Description of offence
14	Penalty for contravention of provisions of the Act, etc.
14B	Penalty for using forged passport
14C	Penalty for abetment

PARAGRAPH 17

OFFENCES UNDER THE COPYRIGHT ACT, 1957

section	Description of offence
63	Offence of infringement of copyright or other rights conferred by this Act.
63A	Enhanced penalty on second and subsequent convictions.
63B	Knowing use of infringing copy of computer programme.
68A	Penalty for contravention of section 52A.

PARAGRAPH 18

OFFENCES UNDER THE TRADE MARKS ACT, 1999

section	Description of offence
103	Penalty for applying false trade marks, trade descriptions, etc.,
104	Penalty for selling goods or providing services to which false trademark or false trade description is applied.
105	Enhanced penalty on second or subsequent conviction
107	Penalty for falsely representing a trade mark as registered.
120	Punishment of abetment in India of acts done out of India

PARAGRAPH 19

OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

section	Description of offence
72	Penalty for breach of confidentiality and privacy
75	Act to apply for offence or contravention committed outside India.

PARAGRAPH 20

OFFENCES UNDER THE BIOLOGICAL DIVERSITY ACT, 2002

section	Description of offence
55 read with section 6	Penalties for contravention of section 6, etc.,

PARAGRAPH 21

OFFENCES UNDER THE PROTECTION OF PLANT VARIETIES AND FARMERS, RIGHTS ACT, 2001

section	Description of offence
70 read with section 68	Penalty for applying false denomination, etc.
71 read with section 68	Penalty for selling varieties to which false denomination is applied.
72 read with section 68	Penalty for falsely representing a variety as registered.
73 read with section 68	Penalty for subsequent offence.

PARAGRAPH 22

OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986

section	Description of offence
15 read with section 7	Penalty for discharging environmental pollutants.,
15 read with section 8	Penalty for handling hazardous substance.

PARAGRAPH 23

OFFENCES UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

section	Description of offence
41(2)	Penalty for pollution of stream or well
43	Penalty for contravention of provisions of section 24

PARAGRAPH 24

OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

section	Description of offence
37	Failure to comply with the provisions for operating industrial plant.

PARAGRAPH 25

OFFENCES UNDER THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002

section	Description of offence
3	Offences against ship, fixed platform cargo of a ship, maritime navigational facilities, etc.,

(iii) after Part B, the following Part shall be inserted, namely:

‘‘PART C

An offence which is the offence of cross border implications and is specified in-

(1) Part A; or

(2) Part B without any monetary threshold; or

(3) the offences against property under Chapter XVII of the India Penal Code''.

V.K. BHASIN

Additional Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಪಿ.ಆರ್. 36 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 13 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 1ನೇ ಜುಲೈ 2009

2009ನೇ ಸಾಲಿನ ಏಪ್ರಿಲ್ 16ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O 965(E) (Notification No. F.No. A.12026/2/2009-Admn. I(L.D.) ದಿನಾಂಕ16.4.2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 16th April, 2009

S.O. 965(E): In pursuance of clause (2) of article 324 of the Constitution, the President is pleased to appoint Shri V.S. Sampath as Election Commissioner with effect from the 21st April, 2009 on the demitting of Office by the Election Commissioner, Shri Navin B. Chawla.

[F.No. A. 12026/2/2009-Admn. I(L.D.)]

V.K. BHASIN, Addl. Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಪಿ.ಆರ್. 47 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 14 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13ನೇ ಜುಲೈ 2009

2009ನೇ ಸಾಲಿನ ಮೇ 15 ಮತ್ತು ಮೇ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O 1220 (E) (Notification No. F.No. M-21021/1/2009-RW ದಿನಾಂಕ:14.5.2009) ಮತ್ತು S.O 1283 (E) (Notification No. F.No. AV-11012/9/97-A ದಿನಾಂಕ:19.7.2009) ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION New Delhi, the 14th May, 2009

S.O. 1220(E): In exercise of the powers conferred by sub-section (3) of section 1 of the Unorganised Workers'Social Security Act, 2008 (33 of 2008), the Central Government hereby appoints the 16th day of May, 2009 as the date on which the provisions of the said Act shall come into force.

[F.No.M. 21021/1/2009-RW]

ANIL SWARUP, Director General (Labour Welfare) Jt. Secy

MINISTRY OF CIVIL AVIATION

NOTIFICATION

New Delhi, the 19th May, 2009

S.O. 1283(E): In exercise of the powers conferred by sub-section (2) of section 1 of the Carriage by Air (Amendment) Act, 2009 (28 of 2009), the Central Government hereby appoints the first day of July, 2009 as the date on which the said Act shall come into force.

[F.No.AV-11012/1\9/97-A]

PRASHANT SUKUL, Jt. Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 48

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 15 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20ನೇ ಜುಲೈ 2009

2009ನೇ ಸಾಲಿನ ಮೇ 4 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ (1) S.O 1151 (E) (Notification No. F.No. 2/320/2006-SEZ ದಿನಾಂಕ:4.5.2009(2)S.O. 1152 (E) Notification No. F. No. 2/320/2006-SEZ ಮತ್ತು ದಿನಾಂಕ: 4.5.2009 ಮತ್ತು (3) S.O 1153 (E) (Notification No. F. No. 2/320/2006- SEZ ದಿನಾಂಕ:4.5.2009) ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 4th May, 2009

S.O. 1151(E): Whereas M/s Gopalan Enterprises (India)Private Limited, a private Organisation in the State of Karnataka, has porposed under section 3 of the Special Economic Zones Act, 2005 (28 of 2005), (hereinafter referred to as the said Act) to set up a sector specific Special Economic Zone for Information Technology and Information Technology Enabled Services at villages Mahadevpura and Kaggadaspura, K.R. Puram, Whitefield, Bangalore in the State of Karnataka;

And whereas, the Central Government is satisfied that requirements under sub-section(8) of section 3 of the said Act, and other related requirements are fulfilled and it has granted letter of approval under sub-section (10) of Section 3 of the said Act for development, operation and maintenance of the sector specific Special Economic Zone for sector specific special Economic Zone for Information Technology and Information Technolnogy Enabled Services at villages Mahadevpura and Kaggadaspura, K.R. Puram, Whitefield, Bangalore in the State of Karnataka on 3rd July, 2007;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Special Economic Zones Act, 2005 and in pursuance of rule 8 of the Special Ecomomic zones Rules, 2006,. the Central Government hereby notifies the following area at Villages Mahadevpura and Kaggadaspura, K.R. Puram, Whitefield, Bangalore in the State of Karnataka comprising of the Survey numbers and the area given below in the Table, as a Special Economic Zone, namely:

TABLE

Sl. No	Name of the village	Survey No	Area (in hectares)
1	Mahadevpura	116, 117,120,121,122,123,124,125, 131,132,133,134,135,136,137,138, 142, 143, 144, 145, 146, 148, 149.	13,2685
2	Kaggadaspura	17/2, 19, 20.	1.0218.
		Total	**14.2903**

[F. No. 2/320/2006-SEZ]

ANIL MUKIM, Jt. Secy

NOTIFICATION

New Delhi, the 4th May, 2009

S.O. 1152(E): In exercise of the powers conferred by sub-section (2) of section 53 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government hereby appoints the 4th day of May, 2009 as the date from which the sector Specific Special Economic Zone for Information Technology and Information Technology Enabled Services at Villages Mahadevpura and Kaggadaspura, K.R. Puram, Whitefield, Bangalore in State of Karnataka proposed to be developed by M/s. Gopalan Enterprises (India) private Limited shall be deemed to be Inland Container Depot under Section 7 of the Customs Act, 1962 (52 of 1962)

[F.No. 2/320/2006-SEZ]

ANIL MUKIM, Jt. Secy

NOTIFICATION

New Delhi, the 4th May, 2009

S.O. 1153(E): In exercise of the powers conferred by sub-sections (1) and (2) of Section 13 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government hereby constitutes a Committee to be called the Approval Committee for the sector specifie Special Economic Zone for Information Technology and Information Technology Enabled Services at Villages Mahadevpura and Kaggadaspura, K.R. Puram, Whitefield, Bangalore in the State of Karnataka proposed to be developed by M/s. Gopalan Enterprises (India) Private Limited for the purposes of section 14 of the said Act consisting of the following members, namely:-

1	Development Commissioner of the Special Economic Zone	Chairperson ex-officio
2	Director or Deputy Secretary to the Government of India, Ministry of Commerce and Industry, Department of Commerce or his nominee not below the rank of Under Secretary to the Government of India	Member ex-officio
3	Joint Director General of Foreign Trade, Bangalore	Member ex-officio
4	Commissioner of Customs or Central Excise having territorial jurisdiction over the Special Economic Zone or his nominee not below the rank of Joint Commissioner	Member ex-officio
5	Commissioner of Income Tax having territorial jurisdiction over the Special Economic Zone or his nominee not below the rank Joint Commissioner	Member ex-officio

6	Director (Banking) in the Ministry of Finance, Banking Division, Government of India	Member ex-officio
7	Two officers, not below the rank of Joint Secretary, to be nominated by the Government of karnataka	Member ex-officio
8	Representative of M/s Gopalan Enterprises (india) Private Limited (Developer of the zone)	Special Invitee

[F.No. 2/320/2006-SEZ]

ANIL MUKIM, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 16 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20ನೇ ಜುಲೈ 2009

2009ನೇ ಸಾಲಿನ ಮೇ 15 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ (1) S.O 1241 (E) (Notification No. F.No. 5/4/2003-IGC/CS ದಿನಾಂಕ:15.5.2009 ಮತ್ತು (2) S.O 1242 (E) (Notification No. F.No. 5/4/2003-IGC/CS ದಿನಾಂಕ:15.5.2009 ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 15th May, 2009

S.O. 1241(E): In exercise of the powers conferred by sub-section (3) of section 1 of the Competition Act, 2002 (12 of 2003), the Central Government hereby appoints the 20th day of May, 2009 as the date on which Sections 3, 4, 18, 19, 21, 26, 27, 28, 32, 33, 35, 38, 39, 41, 42, 43, 45, 46, 47, 48, 54, 55 and 56 of the said Act, shall come into force.

[F.No. 5/4/2003-IGC/CS]

AVINASH K. SRIVASTAVA, Jt. Secy

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 15th May, 2009

S.O. 1242(E): In exercise of the powers conferred by sub-section (2) of section 1 of the Competition (Amendment) Act, 2007 (39 of 2007) the Central Government hereby appoints the 20th day of May, 2009 as the date on which Sections 3, 10, 13, 15, 16, 19, 20, 21, 25, 26, 28, 31, 33, 34, 35, 36, 38, 39 and 43 (53B, 53N, 53O, 53P, 53Q, 53R, 53S, 53T, and 53U) of the said Act, shall come into force.

[F.No. 5/4/2003-IGC/CS]

AVINASH K. SRIVASTAVA, Jt. Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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